

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Chairman Dennis Himmelberger, on January 15, 2009 at 8:03 A.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Dennis Himmelberger, Chairman (R)  
Rep. Sue Dickenson, Vice Chairman (D)  
Rep. Jesse O'Hara, Vice Chairman (R)  
Rep. Russell Bean (R)  
Rep. Tony Belcourt (D)  
Rep. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Dee Brown (R)  
Rep. Mary Caferro (D)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Mike Phillips (D)  
Rep. Ted Washburn (R)  
Rep. Franke Wilmer (D)

**Members Excused:** None.

**Members Absent:** Rep. Kendall Van Dyk (D)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Marshall McEwen, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 32, HB 33, HB 67, HB 124  
Executive Action: HB 32, HB 124, HB 19, HB 146

**HEARING ON HB 124**

**Opening Statement by Sponsor:**

00:03:02 Rep. Robert Mehlhoff (D), HD 26, opened the hearing on  
HB 124, Reopen GABA enrollment for firefighters.

**Proponents' Testimony:**

00:05:42 Doug Neil, Montana State Firemen Association

**Opponents' Testimony:**

00:06:41 David Ewer, Budget Director, Governor's Office  
[EXHIBIT\(sth09a01\)](#)

00:06:56 Melanie Symons, Legal Counsel, Montana Public  
Employees' Retirement Administration (MPERA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:12:14 Chairman Himmelberger

**Closing by Sponsor:**

00:12:57 Rep. Mehlhoff  
00:13:38 Chairman Himmelberger

**HEARING ON HB 32**

**Opening Statement by Sponsor:**

00:13:58 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB  
32, Increase benefits and contributions to  
firefighters' unified retirement system.

**Proponents' Testimony:**

00:15:33 Doug Neil, Montana State Firemen Association

**Opponents' Testimony:**

00:17:04 David Ewer, Budget Director for Governor Schweitzer  
00:27:05 Roxanne Minnehan, Executive Director, MPERA

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:11 Rep. Phillips  
00:29:05 Mr. Ewer  
00:30:42 Rep. Phillips  
00:30:44 Rep. Malek  
00:31:40 Mr. Ewer  
00:34:12 Chairman Himmelberger  
00:34:18 Mr. Ewer  
00:34:39 Chairman Himmelberger  
00:34:47 Mr. Ewer  
00:35:03 Chairman Himmelberger  
00:35:10 Rep. MacLaren  
00:35:20 Rep. Phillips  
00:35:34 Chairman Himmelberger  
00:35:57 Rep. Phillips  
00:36:36 Mr. Ewer  
00:40:00 Chairman Himmelberger

**Closing by Sponsor:**

00:40:08 Rep. Wilmer  
00:41:00 Chairman Himmelberger

**HEARING ON HB 33**

**Opening Statement by Sponsor:**

00:41:11 Rep. Franke Wilmer (D), HD 64, opened the hearing on **HB 33**, Redefine compensation for Firefighters Unified Retirement System.

**Proponents' Testimony:**

00:46:16 Doug Neil, Montana State Firemen Association  
00:53:31 Jack Trethewey, Havre Firefighters  
00:53:45 Rep. Hands exited the room  
00:56:21 Curt Bushnell, President, Montana State Firemen Association and Fire Captain, Bozeman Fire Department

**EXHIBIT(sth09a02)**

01:01:26 Kim Flatow, Member Services Bureau Chief, Montana Public Employees' Retirement Board

**EXHIBIT(sth09a03)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:03:58 Rep. Phillips  
01:04:54 Mr. Bushnell  
01:05:05 Rep. Phillips  
01:05:23 Mr. Bushnell  
01:06:11 Rep. Ingraham  
01:06:37 Ms. Flatow  
01:07:39 Rep. Ingraham  
01:08:51 Mr. Bushnell  
01:09:31 Rep. Dickenson  
01:10:14 Mr. Bushnell  
01:12:31 Rep. Dickenson  
01:13:12 Mr. Bushnell  
01:13:17 Rep. Washburn  
01:13:45 Mr. Bushnell  
01:14:08 Rep. Washburn  
01:14:38 Ms. Flatow  
01:14:46 Rep. Washburn  
01:14:54 Ms. Flatow  
01:15:19 Rep. Bean  
01:15:35 Ms. Flatow  
01:17:41 Chairman Himmelberger

**Closing by Sponsor:**

01:17:48 Rep. Wilmer  
01:19:50 Chairman Himmelberger

**HEARING ON HB 67**

**Opening Statement by Sponsor:**

01:20:17 Rep. Tony Belcourt (D), HD 32, opened the hearing on  
**HB 67**, Rulemaking authority for Board of County  
Printing.

**Proponents' Testimony:**

01:21:28 Sheryl Olson, Deputy Director, Department of  
Administration (DOA)

**EXHIBIT (sth09a04)**

01:26:02 John Barrows, Executive Director, Montana Newspaper  
Association  
01:26:44 Sheryl Wood, Associate Director, Montana Association of  
Counties

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:27:31 Rep. Belcourt  
01:27:48 Chairman Himmelberger  
01:28:37 Committee takes a break.  
01:42:21 Committee called back to order by Chairman  
Himmelberger.  
01:42:22 Rep. Belcourt, Rep. Caferro, Rep. Hands and Rep.  
Phillips were not present after break.  
01:43:54 Rep. Hendrick  
01:44:02 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 32**

01:44:25 **Motion:** Rep. MacLaren moved that **HB 32 BE TABLED.**

**Discussion:**

01:44:32 Chairman Himmelberger  
01:44:37 **Vote:** Motion carried unanimously by voice vote.  
Rep. Hands, Rep. Phillips, Rep. Van Dyk, and Rep.  
Belcourt all voted aye by proxy. Rep. Caferro was not  
present and her vote was not registered.  
01:45:00 Chairman Himmelberger  
01:45:14 Rep. Dickenson  
01:45:25 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 124**

01:45:35 **Motion/Vote:** Rep. Ingraham moved that **HB 124 BE TABLED.**  
Motion carried unanimously by voice vote.  
Rep. Hands, Rep. Phillips, Rep. Van Dyk, and Rep.  
Belcourt all voted aye by proxy. Rep. Caferro was not  
present and her vote was not registered.

01:45:56 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 19**

01:46:19 **Motion:** Rep. Ingraham moved that **HB 19 DO PASS.**

**Discussion:**

01:46:24 Chairman Himmelberger  
01:46:41 Rep. Ingraham  
01:46:45 Chairman Himmelberger  
01:46:51 Rep. Ingraham  
01:48:11 Chairman Himmelberger  
01:48:15 Rep. O'Hara  
01:48:38 Chairman Himmelberger  
01:48:42 Rep. Ingraham

01:48:50 **Vote:** Motion carried unanimously by voice vote. Rep. Hands, Rep. Phillips, and Rep. Belcourt all voted by proxy. Rep. Caferro was not present and her vote was not registered.

01:49:13 Chairman Himmelberger  
01:49:20 Rep. Wilmer  
01:49:39 Rep. Van Dyk entered the room.  
01:49:43 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 146**

01:49:51 **Motion:** Rep. MacLaren moved that **HB 146 DO PASS.**

**Discussion:**

01:49:58 Chairman Himmelberger  
01:50:03 Rep. MacLaren  
01:50:24 Chairman Himmelberger  
01:50:28 Rep. Brown  
01:50:59 Chairman Himmelberger

01:51:05 **Vote:** Motion carried unanimously by voice vote. Rep. Hands, Rep. Phillips, and Rep. Belcourt all voted aye by proxy. Rep. Caferro was not present and her vote was not registered.

01:51:23 Chairman Himmelberger

**Agency Presentations:**

01:52:45 Jim Gillett, Legislative Audit Division

**EXHIBIT(sth09a05)**

01:54:35 Rep. Caferro and Rep. Hands entered the room.  
01:57:51 Rep. Wilmer  
01:58:19 Mr. Gillett  
01:58:30 Rep. Wilmer  
01:58:47 Mr. Gillett  
01:59:34 Rep. Wilmer

02:00:03 Mr. Gillett  
02:00:12 Rep. Malek  
02:01:03 Mr. Gillett  
02:01:18 Rep. Brown  
02:01:41 Mr. Gillett  
02:02:21 Rep. Brown  
02:02:59 Mr. Gillett  
02:03:17 Chairman Himmelberger  
02:03:23 Rep. Bean  
02:03:36 Mr. Gillett  
02:04:04 Chairman Himmelberger  
02:04:20 Mr. Gillett  
02:06:31 Chairman Himmelberger  
02:06:37 Rep. Malek  
02:07:05 Mr. Gillett  
02:07:36 Chairman Himmelberger  
02:08:29 Carroll South, Executive Director, Board of Investments

**EXHIBIT (sth09a06)**

02:22:32 Rep. Phillips entered the room.  
02:37:33 Chairman Himmelberger  
02:37:39 Rep. MacLaren  
02:38:11 Mr. South  
02:38:43 Rep. Phillips  
02:39:27 Mr. South  
02:39:47 Rep. Phillips  
02:40:25 Mr. South  
02:40:42 Rep. Phillips  
02:41:02 Mr. South  
02:41:09 Rep. Malek  
02:41:33 Mr. South  
02:41:36 Rep. Malek  
02:42:39 Mr. South  
02:43:19 Rep. Malek  
02:43:45 Mr. South  
02:44:31 Rep. Malek  
02:45:22 Mr. South  
02:45:56 Rep. Brown  
02:46:23 Mr. South  
02:47:03 Rep. Brown  
02:47:25 Mr. South  
02:48:07 Rep. Boniek  
02:48:35 Mr. South  
02:50:07 Rep. Wilmer  
02:50:59 Mr. South  
02:51:32 Rep. Phillips  
02:52:26 Mr. South  
02:52:47 Rep. Phillips  
02:53:12 Mr. South  
02:53:33 Rep. Phillips  
02:53:49 Rep. Malek

02:54:48 Mr. South  
02:55:30 Rep. Washburn  
02:55:40 Mr. South  
02:55:46 Rep. Brown exited the room.  
02:55:59 Chairman Himmelberger  
02:56:40 Mr. South  
02:57:36 Chairman Himmelberger  
02:57:51 Mr. South  
02:59:40 Chairman Himmelberger  
02:59:55 Mr. South  
03:01:56 Chairman Himmelberger  
03:02:00 Mr. South  
03:02:03 Chairman Himmelberger  
03:02:08 Rep. Hands  
03:02:20 Chairman Himmelberger  
03:02:34 Rep. Hands  
03:06:10 Chairman Himmelberger  
03:06:15 Rep. Hands  
03:07:05 Rep. Malek  
03:08:13 Rep. Hands  
03:09:54 Chairman Himmelberger  
03:10:34 Rep. Phillips  
03:10:49 Rep. Washburn exited the room.  
03:11:22 Rep. Wilmer  
03:12:54 Rep. Van Dyk exited the room.  
03:13:30 Rep. Caferro  
03:15:27 Rep. Dickenson  
03:17:09 Rep. Hands  
03:18:18 Chairman Himmelberger  
03:18:28 Ms. Heffelfinger, Legislative Services Division  
03:20:42 Chairman Himmelberger



**ADJOURNMENT**

03:21:06 Adjournment: 11:24 a.m.

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MARSHALL MCEWEN, Secretary

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Additional Documents:

**EXHIBIT ([sth09aad.pdf](#))**